



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Rhode Island State Labor Relations Board

Building 73
1511 Pontiac Avenue
Cranston, Rhode Island 02920-4407

Website: www.dlt.ri.gov/lrb

OPEN MINUTES **BOARD MEETING**

TIME: 9:00 a.m.
DATE: Tuesday, March 24, 2009
PLACE: 1511 Pontiac Ave., Building #73, 2nd Floor, Cranston, RI 02920

BOARD MEMBERS IN ATTENDANCE: Walter J. Lanni, Chairman
Frank Montanaro
Gerald Goldstein
John R. Capobianco
Elizabeth Dolan

BOARD MEMBERS ABSENT: Ellen Jordan

OTHERS PRESENT: Robyn H. Golden, Administrator
Lisa L. Ribezzo, Labor Board Case Agent

Chairman Lanni called the meeting to order in Open Session at 9:10 a.m.

All Board Members present reviewed the Open Minutes of the February 10, 2009 Board Meeting. A Motion was made by John Capobianco and seconded by Frank Montanaro to accept the Open Minutes as written, and it was unanimously

VOTED: by all Board Members present to accept the minutes as written.

The meeting continued in open session:

REPRESENTATION CASES:

1. Case No. EE- 3711
Central Falls Detention Facility Corporation & Teamsters, Local 251
(Decertification)

Pursuant to the Board's Rules and Regulations, §8.03.2, Teamsters Local 251 had submitted to this Board, documentation requesting a "Voluntary Revocation" of their representation rights in respect to Certification Case No. 1-RC-21450 (an NLRB Certification). After review of the correspondence, a Motion was made by John

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Capobianco and seconded by Frank Montanaro to accept the request for Voluntary Revocation in the above-entitled matter. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

UNIT CLARIFICATION CASES:

1. Case No. EE- 3575
State of RI – Department of Health & DOH/PSA / NEARI
(Assistant Administrator Community & Planning Services)

After review of the Investigator's report and responses submitted by all parties, a Motion was made by Elizabeth Dolan and seconded by John Capobianco to accept the Investigator's report as written; thus, to **preliminarily accrete** the four (4) position(s) of **Assistant Administrator Community & Planning Services**, excluding the position held within the Department of Health – Laboratory Support Systems Division, into the bargaining unit defined in Case No. EE-3595. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE-3315
Narragansett Bay Commission & RI Laborers' District Council, Local 1033
(Pretreatment Technicians)

After review of the Investigator's report, a Motion was made by John Capobianco and seconded by Frank Montanaro to proceed to formal hearing. After discussion, all Board members present voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE- 3575
State of RI – Department of Health & DOH/PSA /NEARI
(Training Coordinator)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by John Capobianco and seconded by Frank Montanaro to acknowledge and accept the parties' signed agreement; that the position(s) of **Training Coordinator**, shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3575. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. EE- 3575
State of RI – Department of Health & DOH/PSA /NEARI
(Health Policy Analyst)

After review of the Consent Agreement and Affidavit executed and presented by the parties, a Motion was made by Frank Montanaro and seconded by Elizabeth Dolan to acknowledge and accept the parties' signed agreement; that the position(s) of **Health Policy Analyst**, shall be and is hereby **accreted** to the bargaining unit as defined by Certification No. EE-3575. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

DRAFTED DECISION AND ORDERS:

1. Case No. EE- 1679
Middletown School Committee & NEARI

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5896
City of Warwick & RI Laborers' District Council 94, Local 1033

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

3. Case No. ULP- 5872
State of Rhode Island – Department of Health & NEARI

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

4. Case No. ULP- 5901
Newport School Department & RI Council 94, AFSCME, AFL-CIO

A Motion was made by John Capobianco and seconded by Elizabeth Dolan to table this matter until the next monthly Board Meeting. After discussion, all Board Members present voted in favor of the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. EE- 3708
Town of Scituate/Scituate Fire & Rescue Engineering Board & International Association of Fire Fighters (IAFF) (Motion to Dismiss)

Board Member, Frank Montanaro, recused himself from participation in this matter.

After review of the Motion to Dismiss in the above-entitled matter, submitted by the Employer's representative, a Motion was made by John Capobianco and seconded by Elizabeth Dolan to deny the Motion. After discussion, all participating Board Members present, voted in favor of the Motion. Motion passed.

2. Discussion of Meeting Times:

Various topics relating to Board meeting times were up for discussion purposes only. No vote was taken on this subject matter.

Elizabeth Dolan made a Motion for the Board to go into Closed Session for the purpose of reviewing the Unfair Labor Practice Charges, Miscellaneous Matters, and the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open Meetings Law. It was seconded John Capobianco and it was unanimously

VOTED: for the meeting to go into closed session and to close the minutes.

The meeting and minutes were closed at 9:45 a.m.

The meeting resumed in open session at 9:50 a.m. for the purposes of reading into the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5955
RI Board of Governors for Higher Education - URI & URI/AAUP Part-Time Faculty United (PTFU)

DETERMINATION: issue a Complaint and proceed to formal hearing.

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5939
Warwick School Committee & Warwick Independent School Employees' Union
(WISE)

DETERMINATION: matter tabled.

A Motion to adjourn was made by John Capobianco and seconded by Frank Montanaro,
and it was unanimously,

VOTED: to adjourn the meeting at 9:55 a.m.